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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
N.D. OF CALIF. JOSE

ADR

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DENNIS CAMBA,

Plaintiff,

v.

BRACHFELD LAW GROUP, P.C.,

Defendant.

Case No.:

COMPLAINT AND DEMAND FOR  
JURY TRIAL

(Unlawful Debt Collection Practices)

**VERIFIED COMPLAINT**

DENNIS CAMBA (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against BRACHFELD LAW GROUP, P.C., (Defendant):

**INTRODUCTION**

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).
2. Count II of the Plaintiff's Complaint is based on Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §1788 et seq. (RFDCPA).

**JURISDICTION AND VENUE**

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court

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1 without regard to the amount in controversy,” and 28 U.S.C. 1367 grants this court  
2 supplemental jurisdiction over the state claims contained therein.

3 4. Defendant conducts business in the state of California, and therefore, personal  
4 jurisdiction is established.

5 5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

6 **PARTIES**

7 6. Plaintiff is a natural person residing in San Jose, Santa Clara County, California.

8 7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to  
9 Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5)  
10 and Cal. Civ. Code § 1788.2(h).

11 8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6) and Cal. Civ.  
12 Code §1788.2(c), and sought to collect a consumer debt from Plaintiff.

13 9. Defendant is a national company with its headquarters in Renton, Washington

14 10. Defendant acted through its agents, employees, officers, members, directors, heirs,  
15 successors, assigns, principals, trustees, sureties, subrogees, representatives, and  
16 insurers.

17 **FACTUAL ALLEGATIONS**

18 11. Since March 2011, Defendant places collection calls to Plaintiff seeking and demanding  
19 payment for an alleged debt.

20 12. Defendant’s representative Mr. Rodriguez calls Plaintiff at his place of employment  
21 seeking and demanding payment for an alleged debt.

22 13. Plaintiff has told Defendant’s representative Mr. Rodriguez at least three times not to  
23 call his place of employment since they do not allow personal calls.

24 14. Despite Plaintiff’s notification, Defendant’s representative Mr. Rodriguez continues to  
25 call Plaintiff’s place of employment.

1 15. Defendant's representative Mr. Rodriguez calls Plaintiff's place of employment and  
2 leaves messages.

3 16. Defendant's representative Mr. Rodriguez calls the receptionist of Plaintiff's place of  
4 employment and asks to speak to Mr. Rodriguez.

5 17. Defendant's representative Mr. Rodriguez calls the receptionist of Plaintiff's place of  
6 employment and has him paged from their internal phone system.

7 18. Defendant calls from 866-917-1327 ext. 2316.

8 **COUNT I**  
9 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

10 19. Defendant violated the FDCPA based on the following:

11 a. Defendant violated §1692c(a)(3) by repeatedly contacting Plaintiff at his place of  
12 employment even though Defendant knew that Plaintiff's employer prohibits the  
13 consumer from receiving such communications.

14 b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural  
15 consequence of which is to harass, oppress, or abuse the Plaintiff in connection  
16 with the collection of a debt.

17 c. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an  
18 attempt to collect a debt by calling Plaintiff at his place of employment after  
19 receiving notification that Plaintiff is not allowed to receive personal calls.

20 WHEREFORE, Plaintiff, DENNIS CAMBA, respectfully requests judgment be entered  
21 against Defendant, BRACHFELD LAW GROUP, P.C., for the following:

22 20. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

23 21. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,  
24 15 U.S.C. 1692k

25 22. Any other relief that this Honorable Court deems appropriate.

**COUNT II**  
**DEFENDANT VIOLATED THE ROSENTHAL FAIR DEBT COLLECTION**  
**PRACTICES ACT**

23. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.

24. Defendant violated the RFDCPA based on the following:

a. Defendant violated §1788.11(d) of the RFDCPA by placing collection calls to Plaintiff repeatedly and continuously so as to annoy Plaintiff.

b. Defendant violated §1788.17 of the RFDCPA by continuously failing to comply with the statutory regulations contained within the FDCPA, 15 U.S.C. § 1692 *et seq.*

WHEREFORE, Plaintiff, DENNIS CAMBA, respectfully requests judgment be entered against Defendant, BRACHFELD LAW GROUP, P.C., for the following:

25. Statutory damages pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ. Code §1788.30(b)*,

26. Costs and reasonable attorneys' fees pursuant to the Rosenthal Fair Debt Collection Practices Act, *Cal. Civ Code § 1788.30(c)*, and

27. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, DENNIS CAMBA, demands a jury trial in this case.

RESPECTFULLY SUBMITTED,

DATED: July 25, 2011

KROHN & MOSS, LTD.

By: \_\_\_\_\_

Mahadhi Corzand  
Attorney for Plaintiff

**VERIFICATION OF COMPLAINT AND CERTIFICATION**

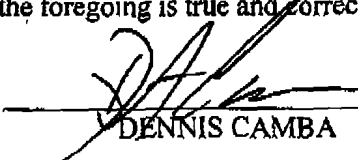
STATE OF CALIFORNIA

Plaintiff, DENNIS CAMBA, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, DENNIS CAMBA, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 6/29/11

  
DENNIS CAMBA